

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.11
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 17, 2006
<b>SUBJECT</b>	Ground Control Plan DM/DMLR Joint Inspections of Red Zones	<b>Section</b>	Technical/Permitting/Enforcement
		<b>Last Revised</b>	9/27/05

**OBJECTIVE AND INTENT:**

To ensure each ground control plan required under Section 45.1-161.287 of the Code of Virginia is reviewed and approved to ensure the safety of persons in residences below active coal surface mines, including roadways and in other areas of the operation where persons congregate, work, or travel. The plan must address how residents or occupants of buildings located down the slope from active workings will be notified when ground disturbing activities will take place above them and what protective actions will be taken to ensure their safety. The Division of Mines (DM) and DMLR will jointly review each ground control plan (GCP).

To provide guidance to DMLR and DM in the joint inspection of “active” red zone areas<sup>1</sup>.

**PROCEDURES:**

**Ground Control Plans**

As several DM mine licenses may have been issued under one DMLR permit, the company must submit a plan that addresses each operation on the permit. The ground control plan for auger operations may be included in the plan for the permit’s surface operations. The permittee does not have to submit a separate ground control plan to each division. Each plan should be addressed to the Chief of DM and the ~~Acting~~ Division Director of DMLR. DM and DMLR will jointly review the ground control plans.

Assigned inspectors from each division, as well as designated technical personnel, will evaluate the ground control plan for each permit. The Technical Services Manager shall assign the appropriate DMLR personnel to review the plans with DM. The DM Chief will inform the DMLR of approval of the ground control plan.

It should be noted that even though a DMLR permit application may be approved, it might be some period of time before land disturbing operations actually commence. **Prior to any ground disturbing activities, the company must obtain a DM license and approval of the ground control plan.**

DMLR personnel should reference the Guidance Memorandum #11-05, which provides a generic ground control plan developed by the DM and the DMLR for surface mine operations. The DMLR Inspector should note –

- That surface mine permittees may choose to pattern their own plans after the generic plan or submit one of their own design.
- Any plan submitted must address each requirement detailed in the generic ground control plan, in particular those pertaining to working in red zones.

---

<sup>1</sup> “Active” red zones are defined as areas where mining activities are being conducted or will be conducted in the immediate future that may present a potential threat or hazard to the public safety.

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.11
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 17, 2006
<b>SUBJECT</b>	Ground Control Plan DM/DMLR Joint Inspections of Red Zones	<b>Section</b>	Technical/Permitting/Enforcement
		<b>Last Revised</b>	9/27/05

- Red zones, integral parts of the ground control plan, must be shown on the surface mine map (in *dwg* format to facilitate review) that the permittee submits with the ground control plan.

The updated map must meet the requirements of Section 45.1-161.64 of the Coal Mine Safety Laws of Virginia, as amended. The permittee should make his own determination of the location of the red zones; however, DM and DMLR will jointly evaluate the plan and red zone designations for adequacy.

Review of Plan –

After DM receives a ground control plan, the plan documents will be placed in a folder on a server located in the Big Stone Gap or Keen Mountain office (\\bsg4\dm\Plans\Ground\_Control\_Plans or \\kmo1\dm\Plans\Ground\_Control\_Plans). The DMLR Review Facilitator will be notified of the plan receipt. The DMLR Review Facilitator will distribute the plan to the appropriate DMLR staff.

Upon receipt of the plan, the DMLR Review Facilitator shall assign the review to an engineer and notify the engineering reviewer and the appropriate DMLR field inspector that the plan has been received and is ready for review.

After the engineering reviewer and field inspector have reviewed the ground control plan, they will submit any comments or concerns regarding the plan to the GCP Review Inspector.

The GCP Review Inspector will forward the DMLR comments/concerns to the DM Specialist and will be the contact person for DMLR in coordinating any meetings with the DM Specialist and DMLR reviewers to achieve concurrence of the joint reviews.

DM will notify the company of the joint DMLR/DM review findings and whether revisions are needed or deficiencies are present. Should the plan be acceptable as submitted, DM will draft an approval letter to be signed by the DM Chief and Division Director for DMLR. In the event the company must provide additional information, the resubmitted plan (with corrections) would go through the same review process identified above.

Once the approval letter is signed, a copy will be forwarded to the Review Facilitator, who will ensure a copy is sent electronically to the appropriate DMLR personnel.

Approved plans will be housed under an “Approved Ground Control Plans” folder on a server located in the Big Stone Gap or Keen Mountain office (\\bsg4\dm\Plans\GroundControlPlans-APPROVED or \\kmo1\dm\plans\GroundControlPlans-APPROVED ). DM Mine Safety Engineer and DMLR Administrative Program Specialist will maintain a spreadsheet, which correlates DM license numbers and DMLR permit numbers.

**DM/DMLR Joint Inspections of Active Red Zone Areas**

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.11
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 17, 2006
<b>SUBJECT</b>	Ground Control Plan DM/DMLR Joint Inspections of Red Zones	<b>Section</b>	Technical/Permitting/Enforcement
		<b>Last Revised</b>	9/27/05

Once approved, the ground control plan(s) will become part of the DMLR permit and will be enforceable. DMLR enforcement personnel will coordinate inspections regarding the ground control plan with DM. DMLR inspections of the red zone area(s) will be conducted at least monthly (partial or complete).

Joint inspections by DM and DMLR will be conducted at least quarterly of the active red zone area(s). The DM and DMLR inspectors will coordinate with one another in scheduling the inspection. DM’s inspection of the other surface mining activities addressed in the approved ground control plan, would not require the DMLR Inspector’s participation.

The inspection will -

- Begin with a joint review of the approved ground control plan and the mine map identifying the “active” red zones with the Surface Foreman of the mining operation, whose understanding of the plan will be evaluated.
- Evaluate the work conducted and being planned in “active” red zones for compliance with the approved plan.
- Include DMLR’s determination that accurate and proper notifications have been given/sent to persons in the red zone area(s), as well as confirming delivery to such persons.

**Issuance of Enforcement Actions -**

During joint inspections, if the inspectors determine that the ground control plan needs to be revised, a revision order notice may be issued under Sections 4 VAC 25-130-774.11(b) and 4 VAC 25-130-774.13. In the event the inspectors find that a violation has occurred within a red zone that affects or could potentially affect -

- the public located contiguous to the permit area, the **DMLR Inspector** will issue appropriate enforcement action under Part 4 VAC 25-130-843 of the Virginia Coal Surface Mining Reclamation Regulations (citing 4 VAC 25-130-773.17).
- the health and safety of persons on the licensed and permitted mine site, the **DM Inspector** will issue appropriate enforcement action under the Mine Safety Act to the licensed mine operator.

Any failures to comply with the approved ground control plan in active red zone areas will be discussed with the appropriate company personnel following the joint DMLR/DM inspection. In the event of a difference of interpretation or opinion of appropriate enforcement action, the supervisors of the inspectors will be contacted for assistance in achieving a prompt resolution. Note: Any differences in interpretation and application of standards and compliance activities that occur between DM and DMLR Inspectors shall be discussed and resolved by the DMME personnel, without the presence or direct involvement of the operator, public, or other interested parties.

In a situation where the company fails to comply with any enforcement action written during a joint inspection, the inspectors with assistance from their respective supervisors shall issue appropriate

<b>DIVISION OF MINED LAND RECLAMATION</b>		<b>PROCEDURE NO.</b>	2.3.11
<b>PROCEDURES MANUAL</b>		<b>ISSUE DATE</b>	April 17, 2006
<b>SUBJECT</b>	Ground Control Plan DM/DMLR Joint Inspections of Red Zones	<b>Section</b>	Technical/Permitting/Enforcement
		<b>Last Revised</b>	9/27/05

action to achieve immediate compliance. This may include closure/cessation orders for the affected area of the mine.

The DM and DMLR Inspectors will document the findings, compliance actions, and any follow-up corrective actions taken regarding the red zones and ground control plan via the inspection report narrative (sending a copy of each report to each other).

**DMLR GCP Inspection Report – Codes and Heading**

The DMLR Inspector will use the following codes and headings for the inspection reports and DMLR laptop system –

- Joint inspections of “active” red zone areas will be coded as “DM-JointInsptn/DM”.
- Other inspections that address red zone areas issues will be coded as “GC-GroundCntrlInsptn”.
- Prior to the “COMMENTS” section, the inspector shall add a heading titled “GROUND CONTROL” and then enter all comments/observations with regard to the red zone area(s) inspection and the company’s compliance with the ground control plan.